

Exhibit K

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ex rel,)
MARY HENDOW and JULIE ALBERTSON,)
)
Plaintiffs,)
)
- vs -)
)
UNIVERSITY OF PHOENIX,)
)
Defendant.)
)

CASE NO.
CV-03-0457 GEB
DAD

THE VIDEOTAPE DEPOSITION OF THOMAS JOHN CORBETT, was
taken on October 6, 2008, commencing at 9:33 a.m. at the
law offices of Osborn Maledon, 2929 North Central Avenue,
Suite 2100, Phoenix, Arizona, before Deborah Cleary, RPR,
CR, No. 50663 a Certified Reporter in the State of Arizona.



1 where that's what he may have referred to in that first
2 instance.

3 Q. (By Mr. Nelson) And what did Dustin Phillips say
4 about the Department of Education?

5 A. Again, this was based on a director asking a
6 question as to why we had to have such extensive
7 reformulations of the matrix so continually. And my
8 recollection of what was said is that it's all smoke and
9 mirrors so that we can fly under the radar so no one can
10 understand our terminology, et cetera, et cetera.

11 Q. And Dustin Phillips said that, that statement, he
12 actually said that -- he referenced the Department of
13 Education when he was referring to smoke and mirrors and
14 flying under the radar?

15 A. At one director meeting, he did. Can't recall if
16 it was that one or not.

17 Q. Specifically referencing the fact that the radar
18 would have been the Department of Education's radar?

19 MR. DIULIO: Objection. Lacks foundation.

20 A. My recollection is that it was in response to a
21 director asking a question, Why do we have to change these
22 matrixes again?

23 Q. (By Mr. Nelson) How many times did the University
24 of Phoenix change the matrix while you were employed
25 there?

1 A. For each one of my personal six-month reviews, it
2 was different each time. It changed continually once I
3 was a manager. So there -- I can't recall that there was
4 ever a period that it was static for more than 30 or 45
5 days. So I had two, four, six, eight semiannual reviews
6 over my four years there. Each one of those was different
7 in its actual formulation and point values and categories.
8 Some categories were deleted. Some categories were added
9 on. Some point assessments were changed. We talked
10 earlier about the area of consistency. That didn't show
11 up until probably my last three reviews and was not on my
12 first four reviews.

13 MR. NELSON: Yeah, I think we should. We're
14 running out of tape.

15 THE VIDEOGRAPHER: We are off the record. The
16 time is 3:29. This ends tape 4.

17 (A recess ensued from 3:29 p.m. until 3:38 p.m.)

18 THE VIDEOGRAPHER: We are on the record. The
19 time is 3:38. This begins tape 5.

20 Q. (By Mr. Nelson) Did Justin Phillips make
21 statements about smoke and mirrors and we're flying under
22 the radar, did he do that more than once to the best of
23 your recollection?

24 A. To the best of my recollection, Dustin sat in
25 about 40 or 50 percent of the director meetings which were